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JAMES H. MCKENNEY
Clerk

No. [redacted]257

In the Supreme Court of the United States.

OCTOBER TERM, 1905.

HENRY E. FRANKENBERG COMPANY, PETITIONER,
v.
THE UNITED STATES.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT.

BRIEF OF THE UNITED STATES IN REPLY.

In the Supreme Court of the United States.

OCTOBER TERM, 1905.

HENRY E. FRANKENBERG COMPANY, PETITIONER,
v.
THE UNITED STATES. } 698.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT.

BRIEF OF THE UNITED STATES IN REPLY.

The Government understands there is a direct conflict between the holding of the Circuit Court of Appeals for the Seventh Circuit in *United States* v. *Buettner* (133 Fed., 163) and the holding of the Circuit Court of Appeals for the Second Circuit in the present case.

According to the former metal beads temporarily strung on a cotton string or thread are subject to duty under paragraph 408, tariff act 1897, as "beads of all kinds, not threaded or strung," at 35 per centum ad valorem; according to the latter they are threaded or strung and are not, therefore, within paragraph 408.

The conflict between the two circuits is unfortunate, and will, unless remedied, probably produce confusion and uncertainty in the execution of the law.

I submit to the court the propriety of granting the writ.

HENRY M. HOYT,
Solicitor-General.

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